

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING NATIONAL PHASE OF
PCT APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495

To: Mail Stop Patent Application
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. §1.10

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being mailed via "Express Mail Post Office to Addressee" service of the United States Postal Service (Express Mail Label No. EL 989437046 US) on the date shown below in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: June 23, 2004

By:

Sachiko Y. Snedden

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)

Atty Dkt: 028705-0310242 /

C-M

/ Client Ref.

From: Pillsbury Winthrop LLP, IP Group:

Date: June 23, 2004

This is a **REQUEST** for **FILING** a PCT/USA National Phase Application based on:

- | | | |
|------------------------------|------------------------------|-------------------------------------|
| 1. International Application | 2. International Filing Date | 3. Earliest Priority Date Claimed |
| PCT/GB02/05923 / | 24 December 2002 / | 24 December 2001 / |
| ↑ country code | Day MONTH Year | Day MONTH Year |
| | | (use item 2 if no earlier priority) |
4. Measured from the earliest priority date in item 3, this PCT/USA National Phase Application Request is being filed within:
- (a) ☐ 20 months from above item 3 date (b) ☒ 30 months from above item 3 date,
- (c) Therefore, the due date (unextendable) is 24 June 2004
5. Title of Invention IMPROVED SAMPLE PREPARATION FOR THE DETECTION OF INFECTIOUS AGENTS
6. Inventor(s) LEE, Helen; HUANG, Ling; NADALA, Elpidio, Cesar, Jr.; BUTTRESS, Nigel, Derek

Applicant herewith submits the following under 35 U.S.C. 371 to effect filing:

7. ☒ Please immediately start national examination procedures (35 U.S.C. 371 (f)).
8. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)) is transmitted herewith (file if in English but, if in foreign language, file only if not transmitted to PTO by the International Bureau) including:
- a. ☒ Request;
- b. ☒ Abstract;
- c. 10 pgs. Spec. and Claims;
- d. 4 sheet(s) Drawing which are ☐ informal ☒ formal of size ☒ A4 ☐ 11"
9. ☒ A copy of the International Application has been transmitted by the International Bureau.
10. A translation of the International Application into English (35 U.S.C. 371(c)(2))
- a. ☐ is transmitted herewith including: (1) ☐ Request; (2) ☐ Abstract;
- (3) _____ pgs. Spec. and Claims;
- (4) _____ sheet(s) Drawing which are:
- ☐ informal ☐ formal of size ☐ A4 ☐ 11"
- b. ☒ is not required, as the application was filed in English.
- c. ☐ is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.
- d. ☐ Translation verification attached (not required now).

RE: USA National Phase Filing of PCT /GB02/05923

DT11 Rec'd PCT/PTO 23 JUN 2004

11. ☒ Please see the attached Preliminary Amendment
12. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., before 18th month from first priority date above in item 3, are transmitted herewith (file only if in English) including:
13. ☐ PCT Article 19 claim amendments (if any) have been transmitted by the International Bureau
14. ☐ Translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., of claim amendments made before 18th month, is attached (required by 20th month from the date in item 3 if box 4(a) above is X'd, or 30th month if box 4(b) is X'd, or else amendments will be considered canceled).
15. **A declaration of the inventor** (35 U.S.C. 371(c)(4))
a. ☐ is submitted herewith ☐ Original ☐ Facsimile/Copy
b. ☒ is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.
16. **An International Search Report (ISR):**
a. Was prepared by ☒ European Patent Office ☐ Japanese Patent Office ☐ Other
b. ☒ has been transmitted by the international Bureau to PTO.
c. ☒ copy herewith ☐ plus Annex of family members
17. **International Preliminary Examination Report (IPER):**
a. ☐ has been transmitted (if this letter is filed after 28 months from date in item 3) in English by the International Bureau with Annexes (if any) in original language.
b. ☐ copy herewith in English.
c.1 ☐ IPER Annex(es) in original language ("Annexes" are amendments made to claims/spec/drawings during Examination) including attached amended:
c.2 ☐ Specification/claim pages #0 claims #0
Dwg Sheets #0
d. ☐ Translation of Annex(es) to IPER (required by 30th month due date, or else annexed amendments will be considered canceled).
18. **Information Disclosure Statement** including:
a. ☒ Attached Form PTO-1449 listing documents
b. ☒ Attached copies of documents listed on Form PTO-1449
c. ☒ A concise explanation of relevance of ISR references is given in the ISR.
19. ☐ **Assignment** document and Cover Sheet for recording are attached. Please mail the recorded assignment document back to the person whose signature, name and address appear at the end of this letter.
20. ☐ Copy of Power to IA agent.
21. ☐ **Drawings** (complete only if 8d or 10a(4) not completed): sheet(s) per set: ☐ 1 set informal; ☐ Formal of size ☐ A4 ☐ 11"
22. Small Entity Status ☐ is **Not** claimed ☒ is claimed (pre-filing confirmation required)
22(a) 0 (No.) Small Entity Statement(s) enclosed (since 9/8/00 Small Entity Statements(s) not essential to make claim)
23. **Priority** is hereby claimed under 35 U.S.C. 119/365 based on the priority claim and the certified copy, both filed in the International Application during the international stage based on the filing in (country) Great Britain of:
- | <u>Application No.</u> | | <u>Filing Date</u> | <u>Application No.</u> | | <u>Filing Date</u> |
|------------------------|-------------|--------------------|------------------------|--|--------------------|
| (1) | 0130947.5 ✓ | 24 December 2001 ✓ | (2) | | |
| (3) | | | (4) | | |
| (5) | | | (6) | | |
- a. ☐ See Form PCT/IB/304 sent to US/DO with copy of priority documents. If copy has not been received, please proceed promptly to obtain same from the IB.
- b. ☒ Copy of Form PCT/IB/304 attached.

RE: USA National Phase Filing of PCT/GB02/05923

DT11 Rec'd PCT/PTO 23 JUN 2004

24. Attached: Copies of: WO 03/060520 A2&A3; Chapter II Demand; Specification Cover Sheet; Postcard Receipt

25 Per Item 17.c.2, cancel original pages # 0, claims # 0, Drawing Sheets #26. **Calculation of the U.S. National Fee (35 U.S.C. 371 (c)(1)) and other fees is as follows:**Based on amended claim(s) per above item(s) ☐ 12, ☐ 14, ☐ 17, ☐ 25

Total Effective Claims	minus 20 =	x \$18/\$9	= \$	1615/2615
Independent Claims	minus 3 =	x \$86/\$43	= \$	1614/2614
If any proper (ignore improper) Multiple Dependent claim is present,		add \$290/\$145	+	1616/2616

BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(4)): →→ BASIC FEE REQUIRED, NOW →→→→A. If country code letters in item 1 are not "US", "BR", "BB", "TT", "MX", "IL", "NZ", "IN", "ZA", "LC" or "PH"

See item 16 re:

1. Search Report was <u>not</u> prepared by EPO or JPO -----	add \$1,080/\$540		1611/2611
2. Search Report was prepared by EPO or JPO -----	add \$920/\$460	+460	1613/2613

SKIP B, C, D AND E UNLESS country code letters in item 1 are "US", "BR", "BB", "TT", "MX", "IL", "NZ", "IN", "ZA", "LC" or "PH"

→ <input type="checkbox"/> B. If <u>USPTO</u> did not issue <u>both</u> International Search Report (ISR) <u>and</u> (if box 4(b) above is X'd) the International Examination Report (IPER), -----	add \$1,080/\$540	+540	1611/2611
(only) (one) → <input type="checkbox"/> C. If <u>USPTO</u> issued ISR but not IPER (or box 4(a) above is X'd), -----	add \$770/\$385	+0	1610/2610
(these) (4) → <input type="checkbox"/> D. If <u>USPTO</u> issued IPER but IPER Sec. V boxes <u>not</u> all 3 YES, -----	add \$730/\$365	+0	1609/2609
→ <input type="checkbox"/> E. If international preliminary examination fee was paid to <u>USPTO</u> <u>and</u> Rules 492(a)(4) and 496(b) <u>satisfied</u> (i.e., in IPER Sec. V <u>all</u> 3 boxes <u>must</u> be YES for <u>all</u> claims), --	add \$100/\$50	+0	1612/2612

27. SUBTOTAL = \$1000

28. If Assignment box 19 above is X'd, add Assignment Recording fee of ----\$40 +0 8021

29. If box 15a is x'd, determine whether inventorship on Declaration is different than in international stage. If yes, add (per Rule 497(d)) ----\$130 +0 1808

30. TOTAL FEES \$1000

31. Address communications to the correspondence address associated with our customer No.

Our Deposit Account No. 50-2212

Our Order No. 028705 0310242
C# M#

27500

PLEASE CHARGE
OUR DEP. ACCT.

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 and 492 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filedPillsbury Winthrop LLP
Intellectual Property Group11682 El Camino Real, Suite 200
San Diego, CA 92130-2092
Tel: (619) 234-5000
Atty/Sec: DOP/sys

By Atty: Donna O. Perdue, Ph.D.

Sig:

Reg. No. 51,166

Fax: (858) 509-4010
Tel: (858) 509-4093NOTE: File in duplicate with 2 postcard receipts (PAT-103) & attachments.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Inventor(s): Lee, et al.

Filed: Herewith


Title: IMPROVED SAMPLE PREPARATION FOR THE DETECTION OF INFECTIOUS AGENTS

DATE: June 23, 2004

PRELIMINARY AMENDMENTCERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. §1.10

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Date: June 23, 2004

By: 
Sachiko Y. Snedden

Mail Stop Patent Application
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Please amend this application as follows:

IN THE SPECIFICATION:

At the top of the first page, just under the title, insert

☒ --This application is the National Phase of International Application
PCT/GB02/05923 filed 24 December 2002 which designated the U.S.

and that International Application

☒ was ☐ was not published under PCT Article 21(2) in English,
and claims priority to UK Application No. 0130947.5, filed 24 December 2001--

Respectfully submitted,

PILLSBURY WINTHROP LLP
Intellectual Property GroupBy: 

Attorney: Donna O. Perdue, Ph.D.

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